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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,304	12/28/2001	Tara A. Burnhouse	871.0103.U1(US)	2753

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HARRINGTON & SMITH, LLP  
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EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,304

Applicant(s)

BURNHOUSE ET AL.

Examiner

Marceau Milord

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### Claim Objections

2. Claim 7 is objected to because of the following informalities: "claim 7 is dependent on claim 1, it should be recited the same preamble in claim 1. Appropriate correction is required.

### Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh et al (US Patent No 6144848).

Regarding claim 1, Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display comprising: a system for displaying the transfer rates in an alphanumeric mode or an alternative graphics mode (col. 3, line 40- col. 4, line 8; (col. 17, line 5- col. 18, line 41); and a system for switching between displaying the transfer rates in the alphanumeric mode and the graphics mode (col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

Regarding claim 2, Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises a keypad on a portable radio communication device (col. 15, lines 24- 32; col. 25, lines 35-44; col. 29, lines 3- 15; col. 33, lines 10-25).

Regarding claim 3, Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for displaying the transfer rates in the alphanumeric or graphics mode comprises means for displaying transmitting rates and receiving rates (col. 17, line 5- col. 18, line 41; col. 19, line 23- col. 20, line 34).

Regarding claim 4, Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises a menu selectable feature displayed on the display (col. 4, lines 10-47; col. 35, line 21- col. 36, line 26).

Regarding claim 5, Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display, further comprising a system for inactivating display of the data transfer rate on the display (col. 17, line 5- col. 18, line 41).

Regarding claim 6, Walsh et al discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises means for not displaying the transfer rates in either the alphanumeric mode or the graphics mode (col. 18, line 34- col. 19, line 33).

Regarding claim 7, Walsh et al discloses a mobile radio telephone (figs. 1-5) comprising: a display; a transceiver; and a controller coupled to the display and the transceiver (col. 25, lines 17-67), wherein the controller further comprises the system for displaying data transfer rates (col. 20, line 24- col. 21, line 16).

Regarding claim 8, Walsh et al discloses a mobile radio communication device (figs. 1-5) having a display and a transceiver for transmitting and receiving data, the improvement comprising: means for displaying a data transfer rate of data with the transceiver on the display in an alphanumeric format (col. 33, lines 10-25; col. 31, lines 16- 37).

Regarding claim 9, Walsh et al discloses a mobile radio communication device (figs. 1-5) further comprising means for displaying the data transfer rate on the display in a graphical format, and means for switching between the alphanumeric format and the graphical format (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

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Regarding claim 10, Walsh et al discloses a mobile radio communication device (figs. 1-5), wherein the means for switching comprises a user actuatable keypad (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claim 11, Walsh et al discloses a mobile radio communication device (figs. 1-5) comprising: a transceiver; a controller coupled to the transceiver; a display coupled to the controller, wherein the controller is adapted to display on the display a data transfer rate of data by the transceiver (col. 33, lines 10-25; col. 31, lines 16- 37); and a system for inactivating display of the data transfer rate on the display while the transceiver is transmitting or receiving the data (col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

Regarding claim 12, Walsh et al discloses a mobile radio communication device (figs. 1-5), wherein the controller is adapted to display the data transfer rate in either an alphanumeric format or a graphical format (col. 18, line 34- col. 19, line 33).

Regarding claim 13, Walsh et al discloses a mobile radio communication device (figs. 1-5), further comprising a system for allowing a user to switch between display of the data transfer rate in either the alphanumeric format or the graphical format (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claim 14, Walsh et al discloses a mobile radio communication device (figs. 1-5), wherein the system for allowing a user to switch between display formats comprises a menu selectable feature (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claim 15, Walsh et al discloses a mobile radio communication device (figs. 1-5), wherein the menu selectable feature also allows the user to activate the system for inactivating display of the data transfer rate (col. 17, line 5- col. 18, line 41).

Regarding claim 16, Walsh et al discloses a mobile radio communication device (figs. 1-5), wherein the system for inactivating display comprises a menu selectable feature (col. 17, line 5- col. 18, line 41).

Regarding claim 17, Walsh et al discloses a method (figs. 1-3) of displaying a data transfer rate on a display, the method comprising steps of: selecting, by a user, a data transfer rate display mode from a plurality of data transfer rate display modes (col. 3, line 40- col. 4, line 8; col. 17, line 5- col. 18, line 41); and displaying the data transfer rate on the display based upon the selected data transfer rate display mode (col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

Regarding claim 18, Walsh et al discloses a method (figs. 1-3) of displaying a data transfer rate on a display, wherein the plurality of data transfer rate display modes comprises an alphanumeric display mode and a graphical display mode (col. 20, line 24-col. 21, line 18).

Regarding claim 19, Walsh et al discloses a method (figs. 1-3) of displaying a data transfer rate on a display, wherein the plurality of data transfer rate display modes further comprises an OFF display mode which prevents displaying of the data transfer rate on the display (col. 15, line 20- col. 16, line 7).

Regarding claim 20, Walsh et al discloses a method (figs. 1-3) of displaying a data transfer rate on a display, wherein the step of selecting a data transfer rate display mode comprises selecting the display model from a menu of available display modes displayed on the display (col. 4, lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claim 21, Walsh et al discloses a method (figs. 1-3) of changing displaying of a data transfer rate on a display of a portable communication device, the method comprising

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steps of: selecting, by a user, to turn a displaying feature of the data transfer rate ON or OFF (col. 15, line 8- col. 16, line 57); and during data transfer by the portable communication device, a controller of the portable communication device, connected to the display, preventing the display from displaying the data transfer rate (col. 31, lines 16-37; col. 35, line 21- col. 36, line 33) when the user has selected to turn the displaying feature OFF (col. 19, line 23-col. 20, line 53; col. 22, lines 7- 23; col. 33, lines 10-25).

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cardillo, IV et al US Patent No 5930341 discloses a browser device and method for interfacing screen-display telephone terminals with the internet.

O'Carroll US Patent No 6714794 B1 discloses a communication system that provides content to communication devices over one or more wireless channels that supports packet data communication under a specified radio packet data transmission.

Bolgiano et al US Patent No 5858879 discloses a wireless communication that combines time and space diversity to reduce fading and simplify receiver design.

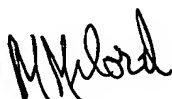
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARCEAU MILORD

Marceau Milord

Examiner

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